

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ZELYIA M. CALDWELL and,)	
MARCIA Y. MCMAHAN, on behalf of a Minor,)	
X.E.C.,)	
)	
Plaintiffs,)	
)	No. 3:13-CV-552
v.)	(COLLIER/GUYTON)
)	
KNOX COUNTY BOARD OF EDUCATION,)	
<i>Et al.</i> ,)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is the Plaintiffs’ Motion for Counsel [Doc. 5], filed on September 17, 2013. The Plaintiffs request appointment of counsel because they have been unable to retain an attorney on their own. Specifically, the motion explains that the attorneys the Plaintiffs have contacted about possible representation have been unable to take their case “due to not specializing in Education Law or because they only took Employment Discrimination and Retaliation Cases.” [Doc. 5 at 1].

Our appellate court has held that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993) (quoting Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir. 1985)) (internal citations omitted). Whether “exceptional circumstances” exists, courts are instructed to look at the type of case at issue, the plaintiff’s ability to represent him or herself, and the complexity of the factual and legal issues involved. Id. at 606 (citations

omitted). Ultimately, appointment of counsel in a civil case is within the discretion of the court. Childs v. Pellegrin, 822 F.2d 1382, 1384 (6th Cir. 1987) (citation omitted).

In the present matter, after considering the nature of this action, the Plaintiffs' ability to prosecute their case, and the complexity of the facts and legal issues presented, the Court finds that the Plaintiffs have not demonstrated any exceptional circumstances justifying the appointment of counsel. Accordingly, the Plaintiffs' Motion for Counsel [**Doc. 5**] is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge